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Attorney for Juan Rodriguez

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA)	Case No: 2:09-cr-00262-JCM-RJJ
)	
Plaintiff,)	
)	DEFENDANT’S UNOPPOSED
)	MOTION TO CHECK OUT
vs.)	TRIAL EXHIBITS 28, 34, AND 35
)	
JUAN RODRIGUEZ,)	
)	
Defendant,)	
_____)	

Defendant Juan Rodriguez, through Counsel Anne R. Traum, Esq., Thomas and Mack Legal Clinic, requests to check out Trial Exhibits 28, 34, and 35 for professional copying for the purposes of preparing his appeal. These items were previously inspected at the court on October 24, 2011 and undersigned must photocopy them in order to prepare Rodriguez’s Opening Brief on appeal, which is due December 2, 2011. The record on appeal must include the exhibits filed in the district court. *See* Ninth Circuit Rule 30-1.1(a-b) (requiring excerpts of the records in counseled appeals); F.R.A.P 10(a)(1-3) (requiring the excerpts to contain original papers and exhibits filed in district court), Ninth Circuit Rule 10-2(b) (same). Additionally, Trial Exhibits 28 and 35 are oversized exhibits.

1. Exhibit 28 is a large chart used by the prosecution to illustrate cellphone calls. The chart is approximately 6 feet by 2. This exhibit was created by the Drug Enforcement Agency, so the government cannot readily reprint a copy. Reducing the size of this exhibit could compromise its legibility, so professional copying services are required.
2. Exhibit 34 is page 4 of Special Agent Christopher Cadogan's Police Report pertaining to Mr. Rodriguez's arrest. A copy of this marked exhibit was not included in the file received from prior counsel.
3. Exhibit 35 is a hand-drawn map composed by one of the government's witnesses at trial. It is also oversized, so professional copying services are required.

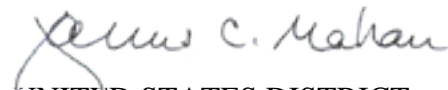
On November 3, 2011, undersigned counsel contacted Assistant United States Attorney Robert Ellman, who represented that he does not oppose this motion.

RESPECTFULLY SUBMITTED this ____ day of November 2011.

UNLV WILLIAM S. BOYD SCHOOL OF LAW
THOMAS & MACK LEGAL CLINIC

By: /s/ Anne R. Traum
ANNE R. TRAUM
Attorney for Defendant Juan Rodriguez

IT IS SO ORDERED.


UNITED STATES DISTRICT
JUDGE,
DATED: November 4, 2011

